

113TH CONGRESS
1ST SESSION

S. 1327

To make enrollment in health benefits plans under the Federal Employee Health Benefits Program available to employees of qualified employers when fewer than 2 qualified health plans are offered through the Small Business Health Options Program.

IN THE SENATE OF THE UNITED STATES

JULY 18, 2013

Mr. BEGICH (for himself and Ms. LANDRIEU) introduced the following bill; which was read twice and referred to the Committee on Health, Education, Labor, and Pensions

A BILL

To make enrollment in health benefits plans under the Federal Employee Health Benefits Program available to employees of qualified employers when fewer than 2 qualified health plans are offered through the Small Business Health Options Program.

1 *Be it enacted by the Senate and House of Representa-*
2 *tives of the United States of America in Congress assembled,*

3 **SECTION 1. SHORT TITLE.**

4 This Act may be cited as the “Healthy Competition
5 for Small Business Act”.

1 **SEC. 2. SHOP EXCHANGES.**

2 Section 1311(d) of the Patient Protection and Af-
3 fordable Care Act (42 U.S.C. 18031(d)) is amended by
4 adding at the end the following:

5 “(8) RULES RELATING TO SHOP EXCHANGES.—

6 “(A) IN GENERAL.—In the case of a
7 SHOP Exchange in a State through which
8 fewer than 2 qualified health plans at each level
9 of coverage described in section 1302(d)(1) are
10 available and no multi-State Qualified health
11 plan is available, qualified employers in the
12 State may make available to employees enroll-
13 ment in a health benefits plan under the Fed-
14 eral Employees Health Benefits Program, in ac-
15 cordance with subparagraph (B). Enrollment in
16 such a health benefits plan shall be offered in
17 the same manner that enrollment in other
18 qualified health plans offered through the
19 SHOP Exchange is offered.

20 “(B) FEHBP PROCESS.—

21 “(i) IN GENERAL.—Notwithstanding
22 the provisions of title 5, United States
23 Code, any Executive order, or any adminis-
24 trative regulation, and subject to this para-
25 graph, a qualified employer in a State de-
26 scribed in subparagraph (A) shall be enti-

1 tled to purchase coverage, rights, and ben-
2 efits for the employees of the qualified em-
3 ployer under chapter 89 of such title if
4 necessary employee deductions and agency
5 contributions in payment for the coverage,
6 rights, and benefits for the period of em-
7 ployment with the qualified employer are
8 currently deposited in the Employees
9 Health Benefits Fund established under
10 section 8909 of such title.

11 “(ii) SEPARATE RISK POOL.—Individ-
12 uals covered under a health benefits plan
13 under the Federal Employees Health Ben-
14 efits Program under clause (i) shall be in
15 a risk pool that is separate from the risk
16 pool for individuals otherwise covered
17 under a health benefits plan under the
18 Federal Employees Health Benefits Pro-
19 gram.

20 “(C) TERMINATION OF OPTION.—

21 “(i) IN GENERAL.—The Federal Em-
22 ployees Health Benefits Program enroll-
23 ment option made available through a
24 SHOP Exchange, as described in subpara-
25 graph (A), shall be terminated if—

1 “(I) 2 or more qualified health
2 plans at each level of coverage become
3 available through the SHOP Ex-
4 change; or

5 “(II) 1 or more multi-State
6 qualified health plans become avail-
7 able through the SHOP Exchange.

8 “(ii) EXPIRATION OF COVERAGE.—If
9 the Federal Employees Health Benefits
10 Program enrollment option is terminated,
11 as described in clause (i), an employee of
12 a qualified employer that is enrolled in a
13 health benefits plan under the Federal
14 Employees Health Benefits Program shall
15 retain coverage under such health benefits
16 plan until the end of the contract year.

17 “(D) QUALIFICATION.—For purposes of
18 subparagraphs (A) and (C)(i)(I), a SHOP Ex-
19 change shall be deemed to have 2 or more
20 qualified health plans at each level of coverage
21 only if such qualified health plans at each level
22 of coverage described in section 1302(d)(1) are
23 offered by more than 1 issuer.”.

